

**IMPLEMENTING A PILOT PROJECT TO ENHANCE
FEDERAL LAND MANAGEMENT IN THE CASSIA AND TWIN
FALLS COUNTIES, IDAHO AREA:**

RECOMMENDATIONS

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Idaho Department of Lands Contract Purchase Order CPO01084

Introduction/Overview:

The opportunity now exists to implement a pilot project in southern Idaho for more collaborative and effective management of intermingled federal lands administered by the Bureau of Land Management ("BLM") and Forest Service. This paper contains recommendations for structuring such a project for BLM and Forest Service administered lands located primarily in Cassia and Twin Falls Counties, Idaho. These recommendations are presented by Perkins Coie LLP as a consultant to the Idaho Department of Lands and Board of Land Commissioners, for consideration the BLM and Forest Service, the Idaho delegation to the U.S. Congress, other interested agencies, and the public.¹

The "Cassia/Twin Falls" pilot project recommendations presented in this paper grew from the Twin Falls/Cassia County Resource Enhancement pilot project proposal described in the December 2000 Federal Land Task Force Working Group report to the Idaho Board of Land Commissioners. However, the current recommended project as been updated to reflect newer federal agency initiatives and other considerations, and is substantially different from that initial proposal. The current recommended project provides a collaborative, inclusive public participation framework to enhance recent federal agency pilot project efforts.

Existing federal agency initiatives include:

- 1) The establishment of a new BLM Twin Falls District that encompasses the proposed pilot project area, as part of BLM reorganization in Idaho.
- 2) The related pending establishment of a new Resource Advisory Council ("RAC") for the new District.
- 3) BLM and Forest Service "Service First" office co-location and other management integration efforts in the area.
- 4) Stewardship contracting.

¹ As described in the text, the recommendations in this report reflect the authors' review of information and comments from many sources, including two public meetings held in Twin Falls. However, the recommendations in this report are those of the authors alone, and do not necessarily represent the views of the Idaho Department of Lands, Board of Land Commissioners, or any other entity or individual.

The recommended pilot project also reflects consideration of recent comments from proponents of the project described in the December 2002 Working Group report and other interested stakeholders in the proposed project area. These include those shared at a December 16, 2003, scoping workshop held in Twin Falls, Idaho, and those received on a draft project proposal made available for public comment starting February 13, 2004. A public discussion and comment meeting on the draft proposal was held in Twin Falls on February 27, 2004 after making the draft proposal available for public comment on the Idaho Department of Lands website and through direct mailings to persons who expressed interest, and after notices regarding the meeting appeared in the Twin Falls and Burley newspapers.

The majority of comments, including endorsements by the Cassia County and Twin Falls Counties Boards of Commissioners and an editorial in the March 5, 2004 Twin Falls News-Times, support proceeding with a pilot project for more collaborative, coordinated management of BLM and Forest Service administered lands in the area. The current recommended pilot project incorporates local advisory group collaboration among a broad spectrum of federal public land users, initiatives for natural resource stewardship, and other concepts contained in the draft proposal, with adjustments based on the comments received and further review.

The recommended pilot project's central elements are:

- 1) The BLM and Forest Service should integrate management of federal lands in the project area under their existing "Service First" pilot authority. The two agencies should designate a single coordinating manager for both BLM and Forest Service administered lands.
- 2) A single collaborative resource advisory group, comprised of a broad and representative set of stakeholders, should be established for both the Forest Service and BLM administered lands in the project area.
- 3) To the extent reasonably practicable, the two federal agencies should implement a unified set of land and resource management rules for both BLM and Forest Service administered lands in the project area.

These and several related elements are described in more detail in the attached outline of recommended project elements and draft authorizing legislation. **The recommended project does not involve any transfer of federal lands or decisionmaking authority from the BLM or Forest Service to the State of Idaho, local governments, or citizens.**

At least some of the recommended project elements may be implemented under existing BLM and Forest Service "Service First", stewardship contracting, and other authorities. However, authorizing federal legislation and funding will be required to fully implement this pilot project. In particular, we believe that establishing a single resource advisory group with a general advisory role for both BLM and Forest Service lands in the project area, and significant movement towards a unified set of land and resource management rules (elements 2 and 3 above), will require federal legislation.

Written comments regarding the recommended pilot project may be submitted to the attention of Bob Maynard at Perkins Coie LLP, 251 East Front Street, Suite 400, Boise ID 83702. For further information contact Bob Maynard, (208) 343-3434, or W.H. Fawcett, (202) 434-1636.

Recommended Pilot Project Elements:

1. Project Area: All federal public lands in the Idaho portion of the Minidoka Ranger District, Sawtooth National Forest, comprising about 630,000 acres, and the portion of the BLM Burley Field Office Area south of the Snake River in Idaho, comprising about 670,000 acres (map attached).
2. "Service First" Pilot Project. The Secretary of Agriculture (Forest Service) and the Secretary of the Interior (BLM), will proceed with a pilot project to implement "Service First" concepts and mechanisms for more effective, integrated delivery of services for national forest and other public lands administered by the agencies within the project area. ("Service First" information is available at: www.fs.fed.us/servicefirst).
3. Single Coordinating Manager. The BLM and Forest Service will delegate management authority and responsibility for Forest Service as well as BLM administered lands in the project area to a single coordinating manager. The intent of a single manager is to coordinate and integrate the operations of the two agencies in the project area, not control by one agency or the other. The manager may be an existing manager in either agency and retain responsibility for more than the project area (for example, the BLM Burley Field Office manager or the Forest Service Minidoka District Ranger). If the manager selected by the agencies for the project area is an existing employee of one of the agencies, an assistant manager may be selected from the other agency.
4. Unified Resource Advisory Group. The Secretaries will establish an advisory resource review team ("Resource Team") for the project area in accordance with the implementing regulations for Resource Advisory Councils ("RACs") established under section 309 of the Federal Land Policy and Management Act, 43 U.S.C. 1739. (RAC information is available at www.blm.gov/rac/id.htm; resource review team provisions in the RAC implementing regulations are found at 43 C.F.R. § 1784.6-2). The Resource Team will directly advise both the BLM and Forest Service regarding issues in the project area, and also serve as a subgroup for the RAC being established for the new BLM Twin Falls District that encompasses the project area. A person may be a member of both the BLM/Forest Service project area Resource Team and the BLM Twin Falls District RAC if otherwise eligible for appointment to both. (BLM Twin Falls District information is available at: www.id.blm.gov/newsreleases/data/04articles/reorg.htm.)

5. Purpose, function, and authority of Resource Team. The Resource Team's role will extend to the full scope of advisory duties provided for a resource review team under the RAC implementing regulations, regarding Forest Service as well as BLM administered lands in the project area. For the project area, the Resource Team's role and authority will specifically include considering and recommending to the Forest Service and BLM:
 - a) Measures to efficiently and effectively administer grazing, recreation, and other allowed uses, consistent with environmentally and economically sound and sustainable natural resource stewardship principles.
 - b) Priority activities to meet collectively agreed upon "stewardship objectives" (as described in stewardship contracting legislation and guidelines, objectives to achieve land management goals that meet local and rural community needs, including: improve forest or rangeland health; restore or maintain water quality; improve fish and wildlife habitat, and reduce hazardous fuels).
 - c) Measures to assure that uses such as family farming and ranching that have contributed to the American cultural heritage are sustained.
 - d) Measures to improve the adaptability and responsiveness of resource management to drought and other conditions.
 - e) Measures to better coordinate management of federal public lands with management and use of State of Idaho, local government, and private lands in the project area vicinity.
 - f) Measures to engage the State of Idaho, local communities and citizens in stewardship activities.

The Resource Team as well as the BLM/Forest Service manager will cooperate with grazing, Farm Service Agency and other local advisory boards and committees regarding subjects of mutual interest.

6. Role and Authority of the Coordinating Manager. The BLM/Forest Service coordinating manager will remain the decisionmaker responsible for administering the federal lands in the project area. If the coordinating manager does not respond in writing to a final Resource Team recommendation within 60 days of Resource Team submittal to the manager (either by accepting or rejecting the recommendation in whole or part), the recommendation will be

deemed adopted as at least a proposed action by the manager. However, final adoption and implementation will remain subject to completion of any applicable National Environmental Policy Act ("NEPA") or other procedures required for final agency action regarding the recommendation.

7. Unified set of management standards, guidelines, and procedures.
 - a) In General. In consultation with the Resource Team, and subject to valid existing rights and to the extent reasonably practicable, the BLM and Forest Service will seek to manage Forest Service and BLM administered lands in the project area according to a unified set of resource management standards, guidelines, and procedures.
 - b) Unified Project Area Land and Resource Management Plan. In consultation with the Resource Team and other appropriate parties, the BLM and Forest Service will prepare a single land and resource management plan ("LRMP") to provide a unified set of programmatic land and resource management standards and guidelines for the project area. The project area LRMP may be tiered to and adapted from the existing Sawtooth National Forest LRMP and BLM District and Resource Management Area ("RMA") LRMP(s). The LRMP may be prepared and made effective as an amendment or supplement to these existing plans. The BLM and Forest Service will determine whether BLM or Forest Service rules will apply to the preparation, approval, and administrative review or appeal of the project area LRMP.
 - c) Administration of permits and other occupancy and use authorizations. Based on the preponderance of rangelands in the project area, the BLM and Forest Service will give preference to applying BLM rules to administering grazing permits and other authorizations for occupancy and use in the project area. However, in consultation with the Resource Team, the BLM and Forest Service may determine that Forest Service rather than BLM rules should continue to apply to certain activities or operations, particularly those limited primarily to national forest lands in the project area, such as recreation cabins, developed ski areas, and commercial timber sales.
8. Stewardship contracts. (Stewardship contract information is available at: www.blm.gov/nhp/spotlight/forest_initiative/stewardship_contracting).
 - a) The BLM and Forest Service are authorized to use stewardship contracts as a tool to achieve stewardship objectives in the project area, in grassland as

well as forest or other vegetation types, and for range as well as silviculture or other projects or activities within the scope of the stewardship contract authorizing legislation.

- b) The term "forest product(s)" as used in the stewardship contract authorizing legislation will be extended to include range vegetation products such as forage.

9. Monitoring, Evaluating, and Reporting.

- a) In General. The BLM and Forest Service will monitor and evaluate project activities and results, to assess whether and to what extent the pilot project is meeting or enhancing the accomplishment of "Service First" and stewardship objectives. They will complete a monitoring and evaluation report for submittal to Congress each year. This monitoring, evaluation and reporting may incorporate multi-party participation.
- b) State of Idaho Report. The BLM and Forest Service will request the State of Idaho, through one or more qualified higher education institutions in Idaho, to participate in monitoring and reporting in the project area, and to prepare a report at five year intervals that assesses the extent to which the pilot project is meeting or enhancing the accomplishment of the stewardship objectives collectively agreed upon by the RRT.
- c) Coordination. Pilot project monitoring, evaluation and reporting may be coordinated with that required under stewardship contracting and other legislation applicable to the project area.

10. Pilot project duration: 10 years, renewable for additional 5-year terms.

11. Funding: The BLM and Forest Service will, in consultation with the Resource Team, coordinate their proposed budgets for project area operations and activities, for purposes of Congressional appropriations. For the project to succeed, funds required for pilot project Resource Team functions, monitoring, reporting, and other expenditures should be provided by Congress through authorizing legislation and appropriations.

12. Transition and valid existing rights:

Upon enactment of authorizing legislation:

- a) The BLM and Forest Service will designate a coordinating manager for the project area and establish the Resource Team within one year.
- b) The project area LRMP will be completed and made effective within three years, subject to any applicable administrative appeal and judicial review.
- c) The project area coordinating manager will then assure that, subject to valid existing rights, all contracts, permits, and other instruments for occupancy and use of project area lands are consistent with the project area LRMP.
- d) Within two years, the holder of an authorization for occupancy or use of national forest land in the project area at the commencement of the project may elect for administration of the authorization to continue under Forest Service rules, rather than subject the authorization to administration under BLM rules. Likewise, the holder of an authorization for occupancy and use of BLM administered lands in the project area may elect for administration to continue under BLM rules, rather than subject the authorization to administration under Forest Service rules. The election will be irrevocable for the duration of the pilot project, unless the project area coordinating manager subsequently agrees to the holder revoking the election.